

Bill no.:	H.R. 4127
Amendment no.:	6
Date offered:	11/3/05
Disposition:	Not Agreed to by 9 yeas and 14 nays

**AMENDMENT TO HR 4127**  
**OFFERED BY MR. GENE GREEN AND MS.**  
**BALDWIN**

**State attorneys general enforcement**

Page 11, line 8, strike “**BY THE FEDERAL TRADE COMMISSION**”.

Page 11, after line 25, insert the following:

1       (c) ENFORCEMENT BY STATE ATTORNEYS GEN-  
2 ERAL.—

3           (1) IN GENERAL.—Whenever an attorney gen-  
4 eral of any State has reason to believe that the in-  
5 terests of the residents of that State have been or  
6 are being threatened or adversely affected because  
7 any person has violated this Act or any rule pre-  
8 scribed under this Act, the State may bring a civil  
9 action on behalf of its residents in any court of com-  
10 petent jurisdiction to enforce compliance with such  
11 section and the rules of the Commission issued  
12 under such section, to obtain damages, restitution,  
13 or other compensation on behalf of residents of such  
14 State, or to obtain such further and other relief as  
15 the court may deem appropriate.



1           (2) NOTICE.—The State shall serve prior writ-  
2       ten notice of any civil action under paragraph (1) or  
3       paragraph (6)(B) upon the Commission and provide  
4       the Commission with a copy of its complaint, except  
5       that if it is not feasible for the State to provide such  
6       prior notice, the State shall serve such notice imme-  
7       diately upon instituting such action. Upon receiving  
8       a notice respecting a civil action, the Commission  
9       shall have the right—

10               (A) to intervene in such action;

11               (B) upon so intervening, to be heard on all  
12       matters arising therein; and

13               (C) to file petitions for appeal.

14           (3) CONSTRUCTION.—For purposes of bringing  
15       any civil action under paragraph (1), nothing in this  
16       Act shall prevent an attorney general from exer-  
17       cising the powers conferred on the attorney general  
18       by the laws of such State to conduct investigations  
19       or to administer oaths or affirmations or to compel  
20       the attendance of witnesses or the production of doc-  
21       umentary and other evidence.

22           (4) ACTIONS BY COMMISSION.—Whenever a  
23       civil action has been instituted by or on behalf of the  
24       Commission for violation of this Act or any rule pre-  
25       scribed under this Act, no State may, during the



1        pendency of such action instituted by or on behalf  
2        of the Commission, institute a civil action under  
3        paragraph (1) or paragraph (6)(B) against any de-  
4        fendant named in the complaint in such action for  
5        violation of any rule as alleged in such complaint.

6            (5) ACTIONS BY OTHER STATE OFFICIALS.—

7            (A) Nothing contained in this subsection  
8        shall prohibit an authorized State official from  
9        proceeding in State court on the basis of an al-  
10        leged violation of any civil or criminal statute of  
11        such State.

12           (B) In addition to actions brought by an  
13        attorney general of a State under paragraph  
14        (1), such an action may be brought by officers  
15        of such State who are authorized by the State  
16        to bring actions in such State on behalf of its  
17        residents.



